IN THE HIGH COURT OF UTTARANCHAL AT- NAINITAL

W.P. No. 1715 of 2001 (M/B)
(Old No. 35995 of 1998)

Adhir Kumar Sheel ..... Petitioner

Versus

Union of India & others ..... Respondents

Hon. P.C. Verma, A.C.J.
Hon. Rajesh Tandon, J.

Heard Mr. S.K. Mandal, learned counsel for the petitioner and Mr. K.P. Upadhyaya, learned Standing Counsel.

The petitioner has filed this writ petition in the year 1998 with a prayer of mandamus to command the respondent No. 3 to transfer the amount in the account of the respondent No. 1 and from respondent No. 1, it should be transferred to the District Magistrate, Udham Singh Nagar from where the petitioner is settled and will be able to draw the amount of Rs. 5,96,915/- which is his money as it is compensation in terms of the enemy property.

The petitioner has claimed that the aforesaid money belongs to him, therefore he is entitled for the payment thereof. In the counter affidavit, this fact has been disputed that the money belongs to the petitioner. In para 15 of the counter affidavit, it has been stated that the claim under this NC is registered with the name of another person Shri B.S. Moitra and the respondent No. 3 did not admit at any point of time to pay any amount to the petitioner.

Undisputedly the money is a compensation for the enemy property.

In this writ petition, the question of fact is involved, therefore, we cannot go into the disputed question of fact in a writ petition under Article 226 of the Constitution of India. However, respondents are directed to dispose of the representation of the petitioner annexed with the writ petition as annexed 5 by a speaking order within a period of one month from the date of production of certified copy of this order.

With the aforesaid observations, the writ petition is disposed of.

(Rajesh Tandon J.) **(P.C.Verma, A.C.J.)**

Dt. 16.03.2004.
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